

AMENDED IN SENATE JULY 14, 2004  
AMENDED IN SENATE JUNE 24, 2004  
AMENDED IN SENATE JUNE 8, 2004  
AMENDED IN SENATE AUGUST 26, 2003  
AMENDED IN SENATE AUGUST 18, 2003  
AMENDED IN SENATE JULY 22, 2003  
AMENDED IN SENATE JULY 1, 2003  
AMENDED IN SENATE JUNE 12, 2003  
AMENDED IN ASSEMBLY MAY 7, 2003  
AMENDED IN ASSEMBLY APRIL 21, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

## **ASSEMBLY BILL**

**No. 1369**

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**Introduced by Assembly Member Pavley**  
**(~~Coauthors: Assembly Members Calderon, Hancock, Koretz,~~**  
**~~Maze, Mullin, and Vargas~~)**  
**(~~Coauthors: Senators Machado, Romero, and Soto~~)**

February 21, 2003

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An act to add Article 10.2.1(commencing with Section 25214.8.1) to Chapter 6.5 of Division 20 of the Health and Safety Code, relating to hazardous waste.

## LEGISLATIVE COUNSEL'S DIGEST

AB 1369, as amended, Pavley. Mercury-added thermostats.

(1) Existing law, the California Mercury Reduction Act of 2001, requires any mercury-containing vehicle light switch that is removed from a vehicle to be subject to the regulations adopted by the Department of Toxic Substances Control regarding the management of universal waste. Existing law prohibits any person, except as specified, from selling at retail or supplying a mercury fever thermometer to a consumer or patient in the state, except by a prescription. Existing law also prohibits any person from manufacturing, offering for sale or use, or distributing for promotional purposes in this state a mercury-added novelty. A violation of the hazardous waste control laws is a crime.

This bill would prohibit, on and after January 1, 2006, a person from selling, offering to sell, or distributing for promotional purposes, in this state a mercury-added thermostat, as defined, unless the mercury-added thermostat meets specified criteria.

Since the requirements imposed by the bill would be a crime, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Article 10.2.1(commencing with Section  
2 25214.8.1) is added to Chapter 6.5 of Division 20 of the Health and  
3 Safety Code, to read:

4

5 Article 10.2.1. Mercury-Added Thermostats

6

7 25214.8.1. (a) The Legislature finds and declares all of the  
8 following:

9 (1) Once mercury is released into the environment it can  
10 change to methyl mercury, a highly toxic compound. Methyl  
11 mercury is easily taken up in living tissue and bioaccumulates over



1 time, causing serious health effects, including neurological and  
2 reproductive disorders in humans and wildlife. Since mercury  
3 does not break down in the environment, it has become a  
4 significant health threat to humans and wildlife.

5 (2) Due to the bioaccumulation of mercury and other  
6 contaminants in fish, the California Environmental Protection  
7 Agency has issued a warning advising that adults and women who  
8 are pregnant or who may become pregnant should limit their fish  
9 intake from several state waterways.

10 (3) Increasingly stringent mercury discharge limits for  
11 wastewater treatment plants make the identification and  
12 elimination of unnecessary sources of mercury a critical task,  
13 because the cost of mercury removal at a wastewater treatment  
14 plant is far greater than the societal benefits of continuing use of  
15 mercury containing products, as currently formulated.

16 (4) Thermostats are among the largest remaining sources of  
17 mercury in consumer products that can be legally sold in  
18 California.

19 (5) *Most thermostats contain 3,000 milligrams of mercury and*  
20 *have a 35-year life span.*

21 (6) Mercury thermostats are hazardous waste when discarded,  
22 and on and after January 1, 2006, all mercury thermostat wastes  
23 will be prohibited from disposal in a solid waste landfill under the  
24 regulations adopted pursuant to this chapter.

25 ~~(6)~~  
26 (7) Economical alternatives to mercury thermostats are  
27 available for commercial and residential applications.

28 (b) For purposes of this article “mercury-added thermostat”  
29 means a product or device that uses a mercury switch to sense and  
30 control room temperature through communication with heating,  
31 ventilating, or air conditioning equipment. A mercury-added  
32 thermostat includes thermostats used to sense and control room  
33 temperature in residential, commercial, industrial, and other  
34 buildings but does not include a thermostat used to sense and  
35 control temperature as part of a manufacturing process.

36 25214.8.2. On and after January 1, 2006, a person shall not  
37 sell, offer to sell, or distribute for promotional purposes in this  
38 state, a mercury-added thermostat, unless the mercury-added  
39 thermostat meets either of the following criteria:



1 (a) The thermostat will be used for manufacturing or industrial  
2 purposes.

3 (b) The thermostat will be used by a blind or visually impaired  
4 person.

5 SEC. 2. No reimbursement is required by this act pursuant to  
6 Section 6 of Article XIII B of the California Constitution because  
7 the only costs that may be incurred by a local agency or school  
8 district will be incurred because this act creates a new crime or  
9 infraction, eliminates a crime or infraction, or changes the penalty  
10 for a crime or infraction, within the meaning of Section 17556 of  
11 the Government Code, or changes the definition of a crime within  
12 the meaning of Section 6 of Article XIII B of the California  
13 Constitution.

